



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Agriculture

- ☒ Pre-proposal Statement of Inquiry was filed as WSR 06-06-107 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject) WAC 16-302-410 Standards for sod quality seed.

**Hearing location(s):**

Washington State Department of Agriculture  
21 N 1<sup>st</sup> Avenue  
Yakima, WA 98902

Date: June 29, 2006 Time: 11 AM

**Submit written comments to:**

Name: Dannie McQueen  
Address: P.O. Box 42560  
Olympia, WA 98504-2560  
e-mail: [dmcqueen@agr.wa.gov](mailto:dmcqueen@agr.wa.gov)  
fax (360) 902-2085 by (date) 5 p.m. on June 29, 2006

**Assistance for persons with disabilities: Contact**

The Agency Receptionist by calling:

TTY (360) 902-1996 or (360) 902-1976

**Date of intended adoption:** July 19, 2006  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rule is to modify the current sod quality seed standards to include all Vulpia species as a prohibited contaminate in sod quality seed lots. This will have the effect of protecting producers from selling sod quality seed lots that contain a contaminate that is detrimental to turf grass production.

**Reasons supporting proposal:** The current sod quality seed standards list Rattail fescue as the only Vulpia species as a prohibited contaminate. However there are other Vulpia species that are occurring in Washington production. If one of these other Vulpia species is found in a sod quality seed lot the current standard is that the lot would be sod quality. However, all Vulpia species have the same detrimental impact as Rattail fescue. By adopting this proposal it will prevent a seed lot from inadvertently being sold with a contaminate that is undesirable in sod production, thus providing a level of protection for Washington producers.

**Statutory authority for adoption:** RCW 15.49.310 and Chapter 34.05 RCW

**Statute being implemented:** 15.49.310

**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**DATE**

May 23, 2006

**NAME (type or print)**

Robert W. Goffe

**SIGNATURE****TITLE:**

Assistant Director

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAY 23 2006

TIME 4:18 AM  
WSR 06-11-147 PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:  
None.

Name of proponent: (person or organization) WSDA Seed Program and the WSDA Seed Program Advisory Committee.

☐ Private  
☒ Public  
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Victor Shaul, Operations Manager	Yakima	(509) 225-2630
Implementation.... Victor Shaul, Operations Manager	Yakima	(509) 225-2630
Enforcement..... Fawad Shah, Program Manager	Yakima	(509) 225-2636

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

This rule has no negative financial impact on producers. This rule will provide a level of protection for seed producers. Additionally it will have the impact of increasing the value of a seed lot, allowing for trouble free marketing of Washington seed. Since this rule has no cost to the seed industry and may even allow for greater profits, a SBEIS was not prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain: The Washington State Department of Agriculture is not a listed in RCW 34.05.328(5)(a)(i).

AMENDATORY SECTION (Amending WSR 03-18-072, filed 8/29/03, effective 9/29/03)

**WAC 16-302-410 Standards for sod quality seed.** (1) Except for ryegrass sod quality seed, seed standards for sod quality grass seed are as follows:

Variety	Minimum Purity	Minimum Germination	Maximum* Other Crop	Maximum** Weed
Kentucky Bluegrass	97%	80%	0.1%	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%
Tall Fescue	98%	85%	0.1%	.02%

\* Must be free of ryegrass, orchardgrass, timothy, *Agrostis* sp., black medic, *Poa trivialis*, brome, reed canarygrass, tall fescue, clover, and meadow foxtail. Maximum allowable Canada bluegrass .02%. When the base sample is one of these kinds, the species will not be considered a contaminant (i.e., tall fescue in tall fescue).

\*\* Must be free of Big, Canby and Sandberg bluegrass, dock, chickweed, crabgrass, plantain, short-awn foxtail, annual bluegrass, velvetgrass, (~~rattail fescue~~) *Vulpia* sp., and noxious weed seeds as listed under WAC 16-302-100 and 16-302-105.

(2) Seed standards for sod quality ryegrass seed are as follows:

Variety	Minimum Purity	Minimum Germination* ***	Maximum Other Crop*	Maximum Weed***
Ryegrass**	98%	90%	0.10%	.02%

\* Must be free of black medic, orchardgrass, timothy, *Agrostis* sp., *Poa trivialis*, brome, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

\*\* Maximum fluorescence levels as determined by breeder or variety owner.

\*\*\* Must be free of Big, Canby and Sandberg bluegrass, (~~rattail fescue~~) dock, chickweed, crabgrass, plantain, annual bluegrass, velvetgrass, *Vulpia* sp., short-awn foxtail, and noxious weed seeds as listed under WAC 16-302-100 and 16-302-105. An additional 0.07% of weedy *Bromus* spp. will be allowed.

\*\*\*\* 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained by the seed program.

(3) A sod seed analysis certificate is the basis of determining if a lot meets sod quality standards. This certificate is issued by the certifying agency and represents a purity analysis, a twenty-five gram noxious all weed all crop exam and a germination test, except a 50-gram noxious all weed all crop exam is required for fescues and ryegrass.

(4) In addition to a seed certification tag, seed meeting sod quality certified seed standards will be tagged with a special "sod quality seed" tag.